



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF UNDERGROUND STORAGE TANKS
4th FLOOR, L & C TOWER
401 CHURCH STREET
NASHVILLE, TENNESSEE 37243-1541

November 15, 2006

To Whom It May Concern,

We have received questions about an implementation date for secondary containment or financial responsibility provisions mentioned in the federal Energy Policy Act of 2005. This Act contains a provision that reads:

"The Administrator *shall require each State* that receives funding under this subtitle *to require* one of the following:" (italics added).

1. Requirements for secondary containment for newly installed tanks or replacement tanks or piping, or,
2. Requirements for tank and piping manufacturers and installers to maintain financial responsibility for corrective actions in the event of petroleum releases, and be certified installers or certify installations.

The Act also states "This subsection shall take effect 18 months after the date of enactment of this subsection." That 18-month deadline occurs on February 8, 2007.

The significance of the February 8, 2007 date is that it applies to **the Administrator**. The Environmental Protection Agency (EPA) is the Administrator, so February 8, 2007 is the deadline by which EPA must require states receiving funding to require one of the two options. EPA is meeting their requirement by publishing Grant Guidelines, which apply to state grants. These Guidelines will require states to select one of the two options or jeopardize their funding under this act. In their respective rulemaking processes, **each state will establish its own compliance deadline** for its chosen option. There is NOT a February 8, 2007 federal secondary containment compliance deadline for tank owners.

The Petroleum Underground Storage Tank Board has chosen secondary containment and draft regulations have been written for implementing this option. The draft regulations can be viewed on the Division's website at <http://www.tennessee.gov/environment/ust/ppo/RulemakingHearingMay06.pdf>

Once these regulations are final and filed with the Tennessee Secretary of State there will be a period of 75 days before they become effective. Once these rules are effective, installers must use secondary containment for newly installed or replacement tanks and piping. Under dispenser containment sumps will also be mandatory for all new or replacement motor fuel dispensers. You should consult the final rules for more information on the new secondary containment requirements. We hope this answers any questions you have regarding the February 8, 2007 date.

Sincerely,



Stanley R. Boyd, Director

Tennessee Division of Underground Storage Tanks